JAW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1648

Application of : Neubauer, A. et al) Art Unit:

U.S. Appln. No. : 10/624,149) Examiner: Ali Reza Salimi

Confirmation No.: 5659

U.S. Filing Date: July 21, 2003

Title of Invention: gM-NEGATIVE EHV-MUTANTS WITHOUT

HETEROLOGOUS ELEMENTS

Attny. Docket No.: 1/1372

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to a communication received form the Examiner in charge of the subject application, which communication was mailed on June 6, 2005.

The communication mailed June 6th comprised a restriction requirement. The Examiner has divided the claims into five groups, the first group being claims 1, 2, and 4 through 21 drawn to recombinant equine herpes virus (EHV) wherein the gM is absent. The Examiner also notes that if Group I is elected, one specie must also be selected.

The Examiner also indicated that further explanation would be provided for specie selection. However, no such information was provided in the June 6th communication.

Applicants, through their attorney, hereby elect for prosecution the invention designated as Group I. However, applicants need additional guidance or explanation from the Examiner as to the selection of the specie.

The election is without traverse.

Patent Department

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July 6, 2005

Boehringer Ingelheim Corp.

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Respectfully submitted,

Mary-Ellen M. Devlin Attorney for the applicants

Reg. No. 27,928

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on July 6, 2005.

Mary-Ellen M. Devlin, Reg. No. 27,928